

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

HANMEET SINGH,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY, et al.,

Defendants.

Case No. 1:23-CV-00680-SAB

ORDER DIRECTING CLERK OF COURT TO
ASSIGN DISTRICT JUDGE TO CLOSE
CASE AND ADJUST THE DOCKET TO
REFLECT VOLUNTARY DISMISSAL
PURSUANT TO RULE 41(a) OF THE
FEDERAL RULES OF CIVIL PROCEDURE

(ECF No. 9)

Plaintiff Hanmeet Singh initiated this immigration action against Defendants United States Department of Homeland Security, U.S. Citizenship and Immigration Services, Alejandro Mayorkas, Ur Mendoza Jaddou, Ted H. Kim, and Emilia Bardini (collectively, “Defendants”) on May 3, 2023, claiming that U.S. Citizenship and Immigration Services (“USCIS”) has unreasonably delayed scheduling an interview on his pending asylum application. (ECF No. 1.) Defendants were served on May 22, 2023, and have not yet responded to the complaint. (See ECF No. 6.) On June 9, 2023, the parties filed a stipulated request to hold the instant matter in temporary abeyance until October 5, 2023, to allow USCIS to conduct Plaintiff’s asylum interview on September 5, 2023, the occurrence upon which the parties anticipated would render the instant action moot. (ECF No. 7.) The Court granted the parties’ request on June 12, 2023. (ECF No. 8.)

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1 On September 18, 2023, Plaintiff filed a notice of voluntary dismissal of the entire action
2 without prejudice and with each party to bear its own costs and fees. (ECF No. 9.) Under Rule
3 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, ‘a plaintiff has an absolute right to
4 voluntarily dismiss his action prior to service by the defendant of an answer or a motion for
5 summary judgment.’ ” Commercial Space Mgmt. Co., Inc. v. Boeing Co., Inc., 193 F.3d 1074,
6 1077 (9th Cir. 1999) (quoting Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997)).

7 In light of the notice of dismissal, this action has been terminated, Fed. R. Civ. P.
8 41(a)(1)(A)(i); Wilson v. City of San Jose, 111 F.3d at 692, and has been dismissed without
9 prejudice and without an award of costs or attorneys’ fees.

10 Accordingly, the Clerk of the Court is HEREBY DIRECTED to assign a District Judge to
11 this case for the purpose of closing the case and then to adjust the docket to reflect voluntary
12 dismissal of this action pursuant to Rule 41(a).

13 IT IS SO ORDERED.

14 Dated: September 19, 2023

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UNITED STATES MAGISTRATE JUDGE